

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

AXIS SPECIALTY INSURANCE	:	CIVIL ACTION
COMPANY	:	
	:	
v.	:	
	:	
THE BRICKMAN GROUP LTD, LLC	:	NO. 09-3499

**ORDER**

**AND NOW**, this 28th day of January, 2010, upon consideration of Defendant's Motion to Dismiss the Amended Complaint or, in the Alternative, to Transfer Venue (Docket No. 13) and Plaintiff's response thereto, and for the reasons stated in the accompanying Memorandum Opinion, **IT IS HEREBY ORDERED** that the Motion is **GRANTED IN PART** and **DENIED IN PART** as follows:

1. Defendant's Motion is **GRANTED** insofar as it seeks dismissal of Count IV, the equitable subrogation claim.
2. The Motion is **DENIED** in all other respects.

BY THE COURT:

/s/ John R. Padova, J.

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John R. Padova, J.